

MANDATE

S.D.N.Y.  
07-cv-7150  
Wood, C.J.

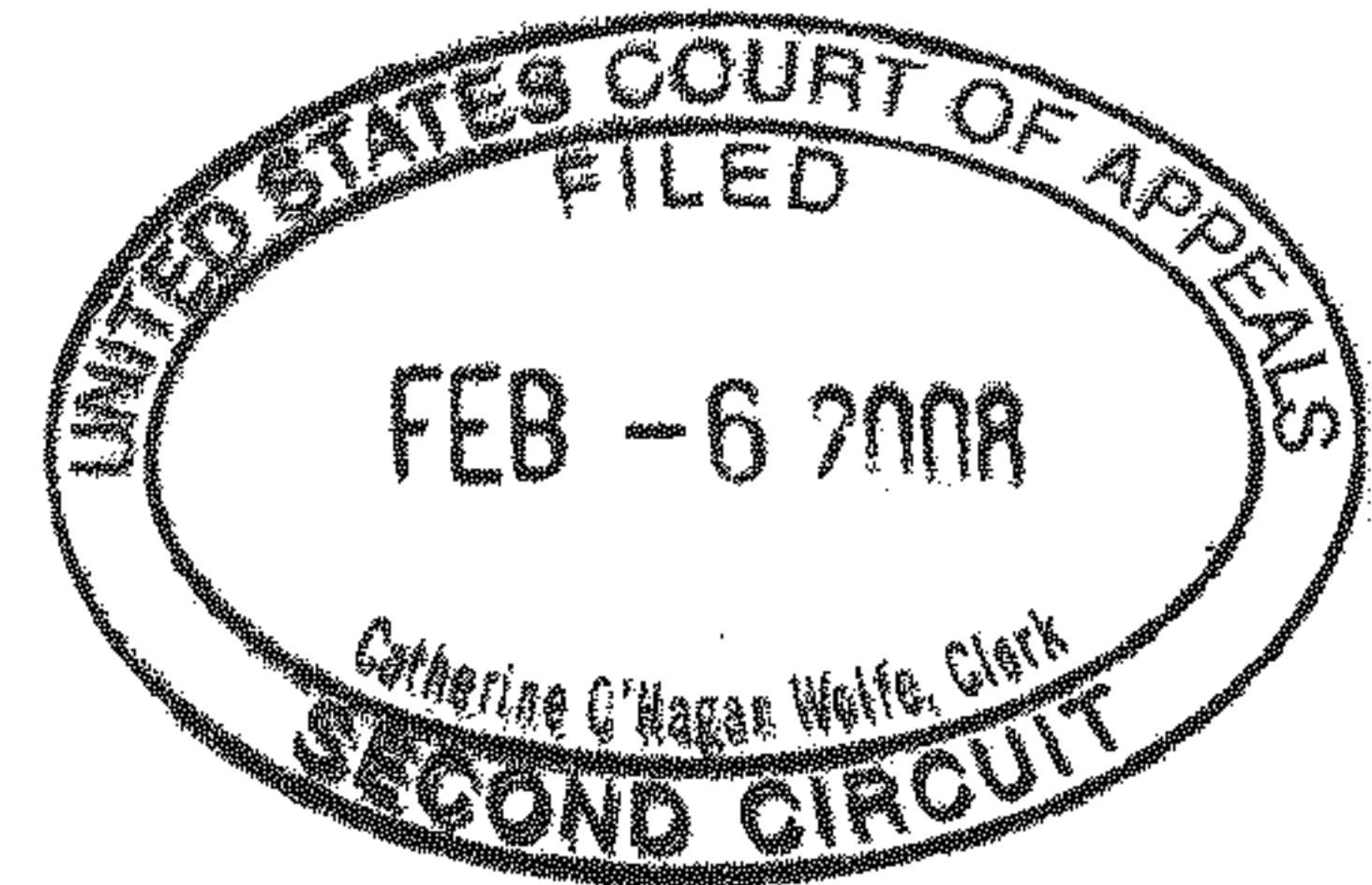
United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 6<sup>th</sup> day of February, two thousand eight.

Present:

Hon. Sonia Sotomayor,  
Hon. Debra Ann Livingston,  
*Circuit Judges,*  
Hon. Gregory W. Carman,<sup>1</sup>  
*Judge, U.S. Court of International Trade.*



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Dexter Washington,

*Plaintiff-Appellant,*

v.

07-3778-pr

Commissioner Glen S. Goord, et al.,

*Defendants-Appellees.*

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Appellant, *pro se*, moves for appointment of counsel and to proceed *in forma pauperis* ("IFP") in his appeal of the district court's dismissal of his 42 U.S.C. § 1983 action. Upon due consideration, IFP status is hereby GRANTED for the limited purpose of vacating the judgment of the district court and remanding to the district court to allow appellant to amend his complaint. Appellant alleges that a constitutionally infirm procedure was used by the New York State courts and/or the New York Department of Correctional Services to modify his sentence twice after commitment, in a manner that is not entirely clear from the face of the *pro se* complaint. This Court has held that the

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<sup>1</sup>The Honorable Gregory W. Carman, judge, United States Court of International Trade sitting by designation.

ISSUED AS MANDATE:

MAY 22 2008



